

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 18 2005

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN MANUEL ORTIZ-CHAVOLLA,
a/k/a Juan Manuel Chavolla; et al.,

Defendant - Appellant.

No. 04-50327

D.C. No. CR-03-01037-SJO

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted October 11, 2005**

Before: NELSON, T.G., WARDLAW, and TALLMAN, Circuit Judges.

Juan Manuel Ortiz-Chavolla appeals the 77-month sentence imposed following his guilty plea conviction for illegal reentry following deportation, in

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

violation of 8 U.S.C. § 1326(a), (b)(2). We have jurisdiction pursuant to 18 U.S.C. § 3742(a).

Because appellant was sentenced under mandatory Sentencing Guidelines, we remand for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc). See *United States v. Moreno-Hernandez*, 419 F.3d 906, 916 (9th Cir. 2005) (extending *Ameline*'s limited remand procedure to cases involving non-constitutional error under *United States v. Booker*, 125 S. Ct. 738 (2005)).

REMANDED.